



**US Army Corps  
of Engineers**  
Louisville District ®

# Public Notice

Public Notice No.  
LRL-2015-329-kjs

Open Date:  
14 June 2017

Close Date:  
14 July 2017

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Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District  
ATTN: Ms. Kimberly J. Simpson, CELRL-RDN, Rm 752  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

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This notice announces an application submitted for a Department of the Army (DA) Permit subject to Section 404 of the Clean Water Act.

**APPLICANT:** East Kentucky Power Cooperative  
4775 Lexington Road  
Winchester, Kentucky 40391

**AGENT:** Redwing Ecological Services, Inc.  
1139 South 4th Street  
Louisville, Kentucky 40203

**LOCATION:** In tributaries to Lawrence and Beasley Creeks and adjacent wetlands at the Spurlock Power Station on KY-8 in Maysville, Mason County, Kentucky.

Latitude: 38.6977 N  
Longitude: -83.8409 W  
7.5 Minute Quad: Maysville West, Kentucky

**PURPOSE:** To construct a Coal Combustion Residual (CCR) landfill.

**DESCRIPTION OF WORK:** The applicant requests authorization to discharge fill material into 5,755 linear feet (1.9 acres) of intermittent stream, 6,860 linear feet (0.8 acre) of ephemeral stream, and 0.05 acre of wetland (W2) for the construction of a CCR landfill and associated infrastructure (see figure 4 of 7). The Spurlock Station is the largest coal-fired electric generating facility owned by East Kentucky Power Cooperative (EKPC), has been in operation since 1977, and serves 87 Kentucky counties. Currently, the Spurlock Station produces approximately 1,800,000 cubic yards of CCR annually which is transported via a private haul road and bridge across KY Hwy 8 to Landfill Area C for disposal. Landfill Area C is reaching capacity; therefore, the applicant is proposing to expand Landfill Area C horizontally to the northeast to form a single landfill in order to extend the operational capacity of the power station until approximately 2037. The applicant is requesting a 20-year permit to operate through 2037.



The applicant owns 2,800 acres; however, the project area is limited to a total of 571 acres: 390 acres for borrow material, 102 acres for the landfill, 77 acres for monitoring and sediment control structures, ditches, roadways, underdrains, leachate, etc., and 2 acres for a sediment pond.

The first phase of the landfill would be to prepare for liner installation and CCR placement following site preparation activities. It is anticipated that a new phase would be initiated every 2-3 years and that 5-7 phases would be required to complete the landfill, with each subsequent phase being approximately 10-15 acres in size.

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** The applicant did consider onsite and offsite alternatives. The applicant analyzed multiple long-term disposal alternatives. Utilizing existing municipal solid waste landfills disposal scenarios were considered, however they would include prohibitive hauling costs and disposal fees. Also considered was the development of a new offsite special waste landfill; however, it would incur higher costs and result in greater environmental impacts compared to those at the proposed landfill expansion project location. The proposed project design includes a reduction in impacts. The applicant evaluated the quality of the streams in order to account for the loss of greater functions and values associated with higher quality features. The proposed project would impact 3% and 40% less adjusted Mitigation Units (AMUs) of streams than two other onsite alternatives that were considered.

The applicant proposes to provide compensation for the unavoidable impacts associated with this project through both onsite and offsite mitigation.

**Onsite -** The applicant is proposing to rehabilitate 8,672 linear feet of intermittent stream, enhance 1,232 linear feet of intermittent stream, enhance 1,226 of intermittent stream buffer, re-establish 186 linear feet of ephemeral stream, rehabilitate 3,837 linear feet of ephemeral stream, enhance 1,647 linear feet of ephemeral stream, and enhance 1,423 linear feet of ephemeral stream buffer. The applicant would utilize natural channel design methodologies that would stabilize the stream channels that would result in improved hydrological function, increased biological integrity, increased habitat quality for aquatic, terrestrial, and avian fauna, and increased the aesthetic value. The onsite mitigation would monitor the stream geomorphology, habitat, and revegetation criteria quantitatively and qualitatively, and reports would be submitted annually to track the progress of the mitigation area for five years or until released by the Corps. The mitigation area would be protected in perpetuity through the establishment of a deed restriction.

**Offsite –** The applicant is proposing to compensate for impacts to wetlands through the purchase of wetland credits from the Northern Kentucky Mitigation Bank and for impacts to streams through restoration activities onsite within the Beasley Creek drainage area.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.



**REVIEW PROCEDURES:** A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

Phase I and Phase II Archaeological Surveys have been conducted for the proposed Area D expansion project, including within the proposed limits of disturbance, borrow areas, and the mitigation area. The Federal Energy Regulatory Commission (FERC) is the lead federal agency for this project; however, the Corps will review these surveys and make a determination of effect of the proposed project regarding Section 106 of the National Historic Preservation Act.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an



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Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Ms. Kimberly J. Simpson, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-2015-329-kjs.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2015-329-kjs.

Example:

Subject: LRL-2015-329

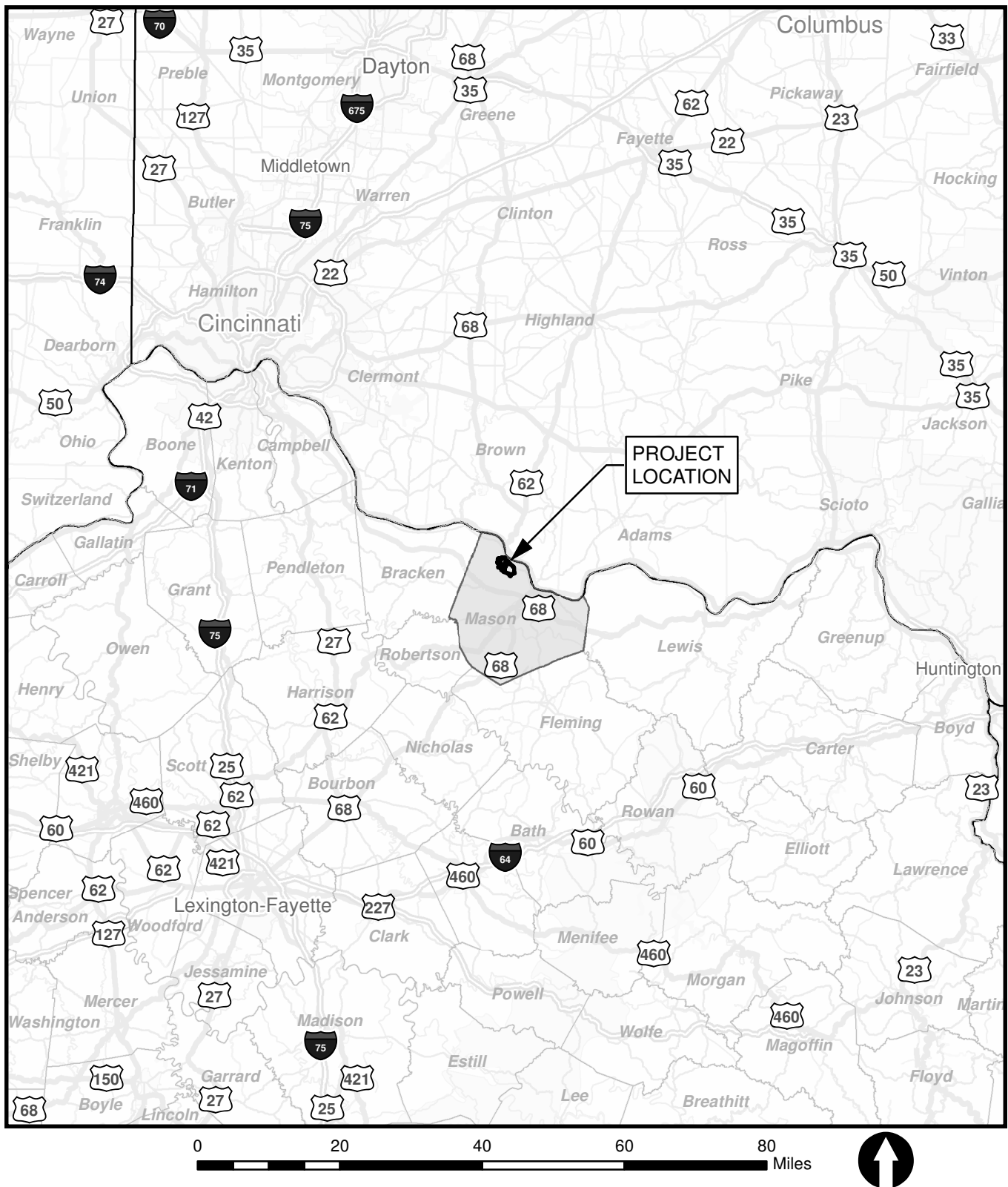
b) Provide your physical mailing address and telephone number.

c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil).

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



Source: USA Base Map - Esri and the GIS User Community (2012).



SPURLOCK POWER STATION  
PROJECT LANDFILL AREA D EXPANSION  
MASON COUNTY, KENTUCKY



SITE VICINITY MAP  
LRL-2015-329

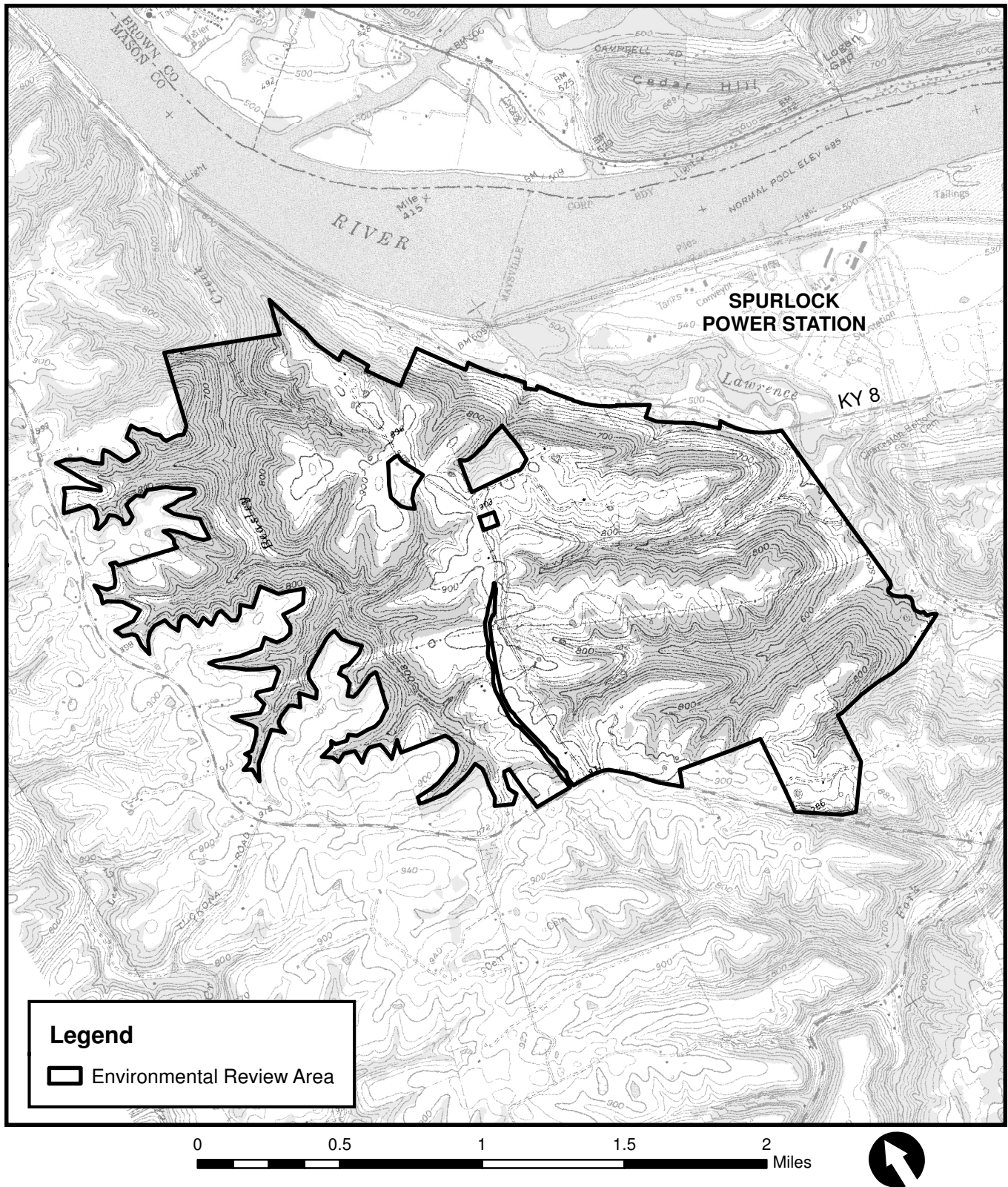
REVISED DATE: 05-10-17

DRAWN BY: EDB

FIGURE 1 OF 7



Source: USGS 7.5-minute Topographic Map - Maysville West, Kentucky Quadrangle.



SPURLOCK POWER STATION  
LANDFILL AREA D EXPANSION PROJECT  
MASON COUNTY, KENTUCKY

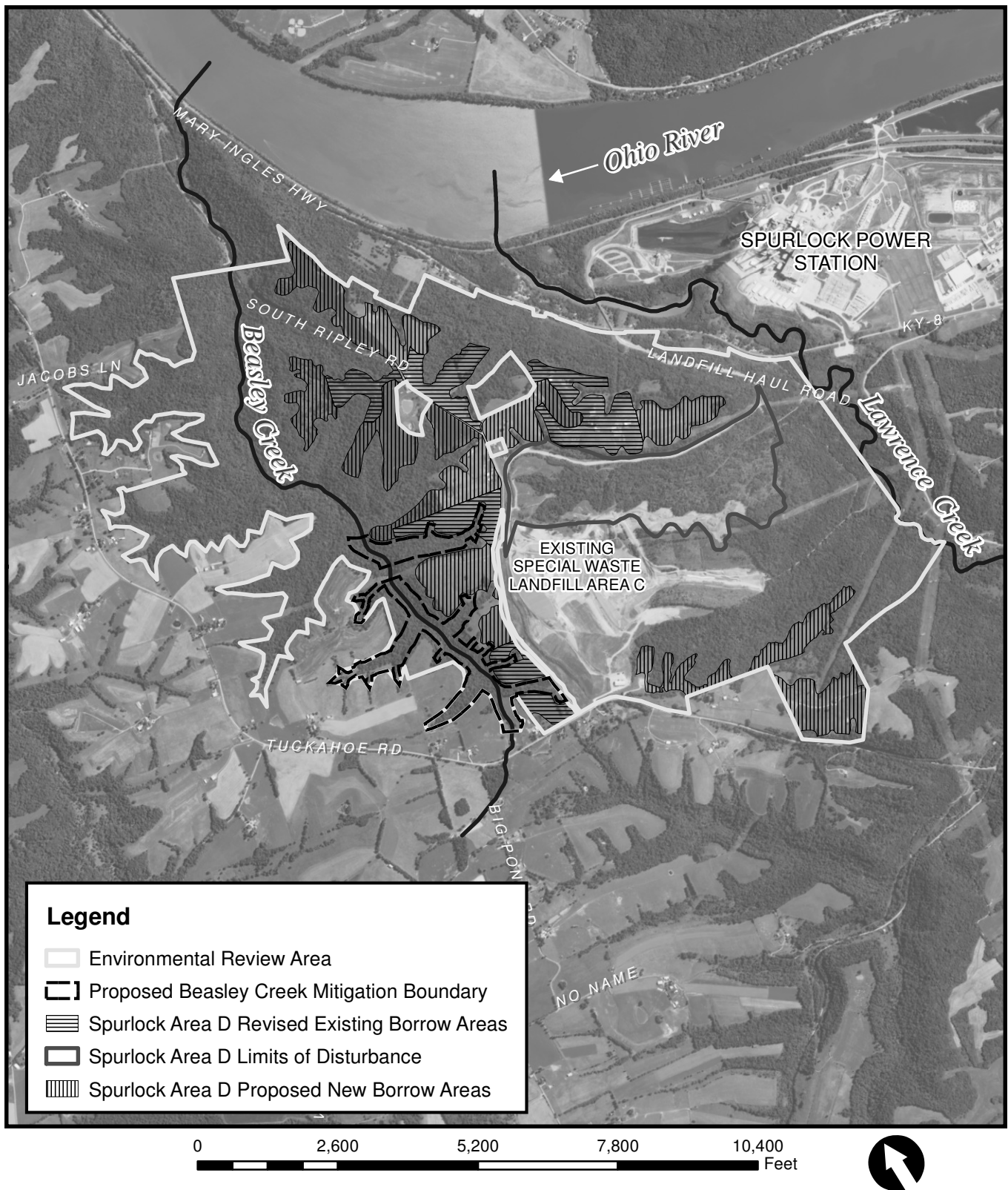


SITE LOCATION MAP  
LRL-2015-329

REVISED DATE: 05-10-17 DRAWN BY: EDB

FIGURE 2 OF 7





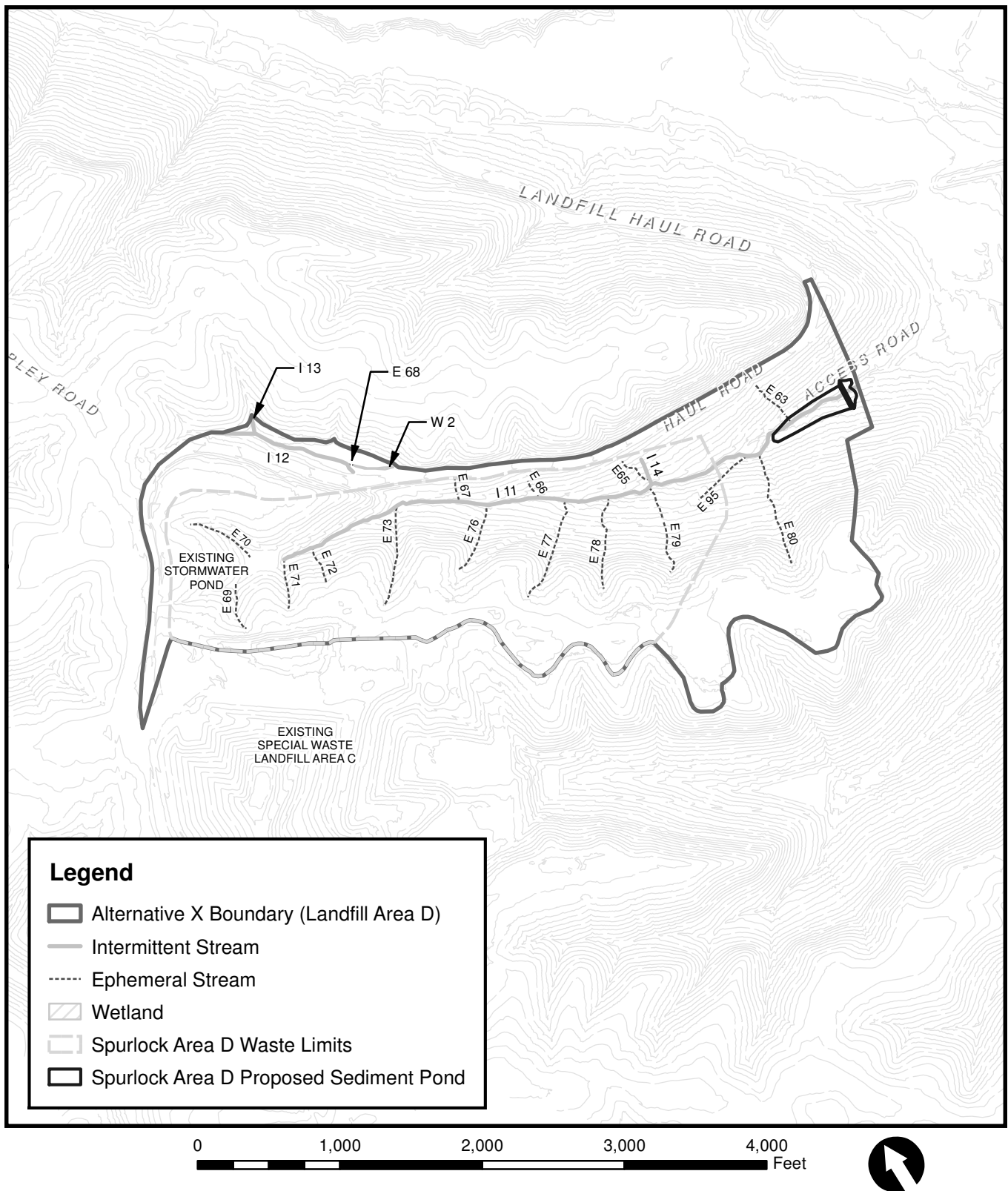
SPURLOCK POWER STATION  
LANDFILL AREA D EXPANSION PROJECT  
MASON COUNTY, KENTUCKY



PROJECT COMPONENTS  
MAP  
LRL-2015-329



Source: Topographic contours provided by EKPC (LIDAR).

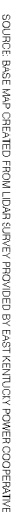


SPURLOCK POWER STATION  
LANDFILL AREA D EXPANSION PROJECT  
MASON COUNTY, KENTUCKY



ALTERNATIVE X  
(LANDFILL AREA D)  
LRL-2015-329



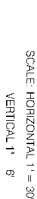


**LEGEND**

- EPIHEMAL STREAM BUFFER ENHANCEMENT
- EXISTING EPIHEMAL STREAM (NO MITIGATION/CREDIT GENERATION PROPOSED)
- EXISTING CONSERVATION EASEMENT
- ▨ PROPOSED BOTTOM AREA (NEW PENN)
- ▨ PROPOSED BOTTOM AREA (EXISTING PENN)
- CHE
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING UTILITY EASEMENT

FIGURE 5 OF 7





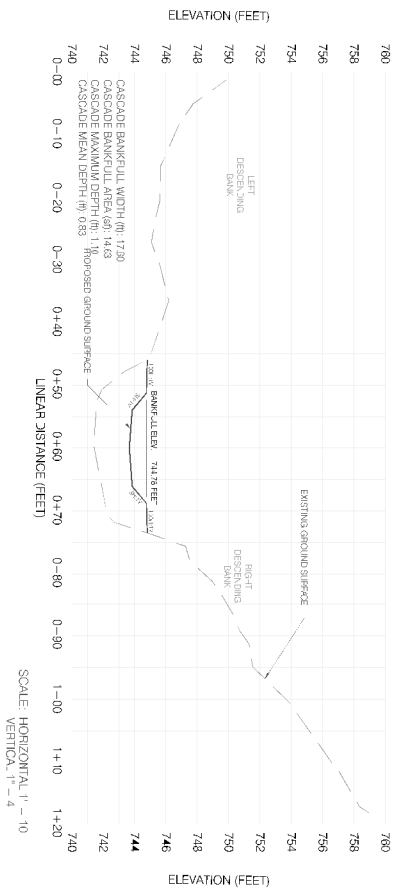
REVISSED DATE: 02-04-16

DRAWN BY: BMB/BMA



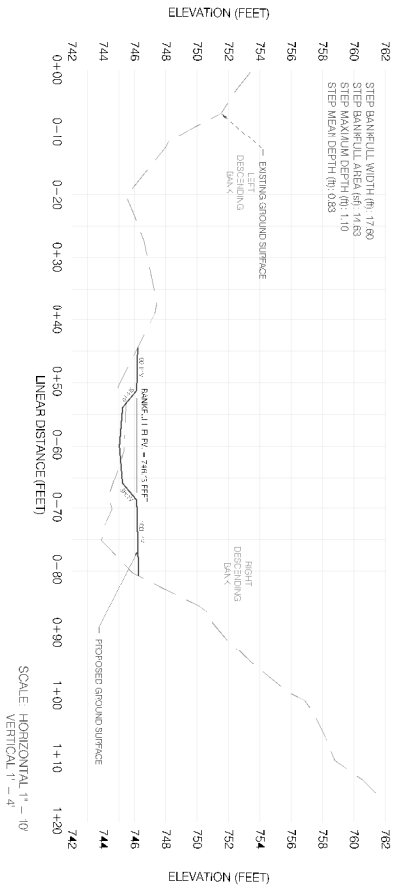
FIGURE 6 OF 7



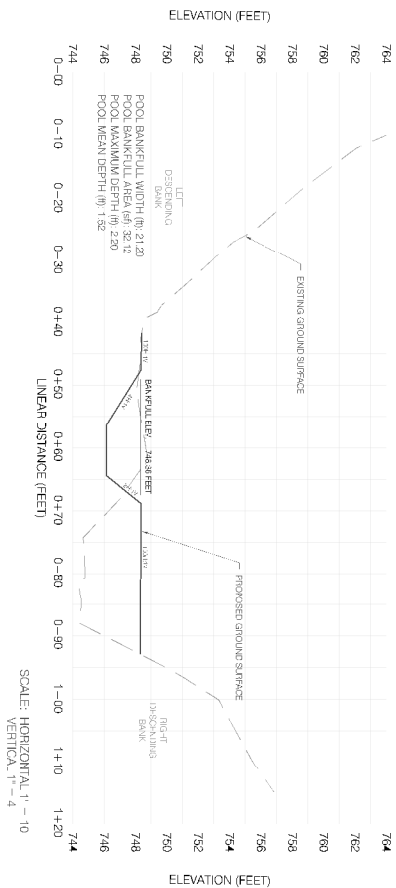


SCALE: HORIZONTAL 1" = 10'  
VERTICAL 1" = 4'

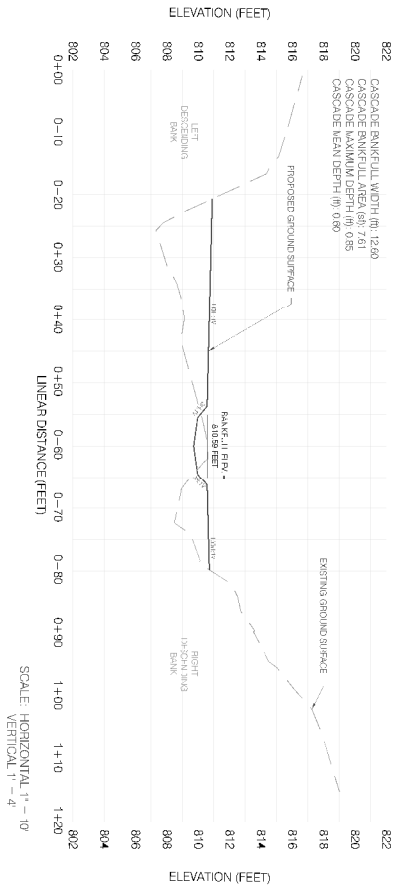
CROSS SECTIONS ARE VIEWED  
LOOKING DOWNSTREAM.



SCALE: HORIZONTAL 1" = 10'  
VERTICAL 1" = 4'



SCALE: HORIZONTAL 1" = 10'  
VERTICAL 1" = 4'



SCALE: HORIZONTAL 1" = 10'  
VERTICAL 1" = 4'

SPURLOCK POWER STATION  
LANDFILL AREA D EXPANSION PROJECT  
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TYPICAL CROSS SECTION  
PROFILE OF  
MITIGATION AREA  
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FIGURE 7 OF 7